

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**BOBBY D. SLIWINSKI,
Plaintiff,**

v.

Case No. 16-C-1602

**LOTUS WILSON et al.,
Defendants.**

DECISION AND ORDER

Bobby Sliwinski, a state prisoner proceeding *pro se*, brings this action under 42 U.S.C. § 1983 alleging that Lotus Wilson, a prison nurse, and others violated his Eighth Amendment rights while he was incarcerated. Specifically, Sliwinski claims that Wilson failed to send his prescription medication with him when he was briefly transferred from the Milwaukee Secure Detention Facility to the Chippewa County Jail in March 2015.

On February 28, 2018, Wilson moved for summary judgment. Sliwinski did not timely respond. See Civil L. R. 56(b)(2) (E.D. Wis.) (requiring that materials in opposition to a motion for summary judgment be filed “within 30 days of service of the motion”). On April 16, 2018, I ordered Sliwinski to either respond to Wilson’s motion on or before May 11, 2018, or explain why he could not do so. Sliwinski did not timely comply with my order. In fact, Sliwinski has not communicated with the court about this case since January 29, 2018, when he submitted notice of a change of address.

I advised Sliwinski that if he did not comply with my April 16, 2018, order, I would consider Wilson’s motion for summary judgment unopposed and address it as such. Indeed, I specifically cited Civil Local Rule 7(d), which provides that “[f]ailure to file a memorandum in opposition to a motion is sufficient cause for the Court to grant the

motion.” Moreover, Wilson’s uncontroverted evidence on summary judgment establishes that, if she made a mistake with respect to Sliwinski’s medication, her error was unintentional. An Eighth Amendment claim like Sliwinski’s requires “deliberate indifference,” which is akin to criminal recklessness. See *Figgs v. Dawson*, 829 F.3d 895, 903 (7th Cir. 2016). Based on the present record, Wilson’s error, if she made one, does not come close to satisfying that standard.

Sliwinski proceeds against two other defendants, but he has not identified them by name or served them. I ordered Sliwinski to identify those defendants no later than December 29, 2017, and advised him that I would dismiss them if he failed to do so.

THEREFORE, IT IS ORDERED that defendants RN Linda and John Doe are **DISMISSED** due to plaintiff’s failure to timely identify and serve them, as ordered.

IT IS FURTHER ORDERED that Wilson’s unopposed motion for summary judgment (Docket No. 21) is **GRANTED**. The Clerk of Court shall enter final judgment.

Dated at Milwaukee, Wisconsin, this 1st day of June, 2018.

s/Lynn Adelman
LYNN ADELMAN
United States District Judge